

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KATHLEEN BENEDICT	:	CIVIL ACTION
	:	
v.	:	
	:	
BOROUGH OF MALVERN, et al.	:	NO. 15-6462

ORDER

AND NOW, this 31st day of May, 2016, upon consideration of plaintiff's second amended complaint (docket entry #29), defendant Borough of Malvern's motion to dismiss (docket entry #30), defendant Michael Bernard McMahon, Jr.'s motion to dismiss (docket entry #31), defendant Malvern Fire Company's motion to dismiss (docket entry #32), and plaintiff's responses in opposition thereto, and for the reasons set forth in our Memorandum issued this day, it is hereby ORDERED that:

1. Defendant McMahon's motion to dismiss (docket entry #31) is DENIED;
2. Defendant Borough of Malvern's motion to dismiss (docket entry #30) and defendant Malvern Fire Company's motion to dismiss (docket entry #32) are GRANTED;
4. Count II of the second amended complaint is DISMISSED WITH PREJUDICE;
5. Defendant McMahon shall ANSWER the second amended complaint by noon on June 20, 2016; and
6. The Clerk of Court shall RE-CAPTION this case "Kathleen Benedict v. Michael Bernard McMahon, Jr." to reflect McMahon's status as the sole defendant.

BY THE COURT:

/s/ Stewart Dalzell, J.
Stewart Dalzell, J.